

REMARKS

In the Office Action mailed October 8, 2004, the Examiner noted that claims 1-18 were pending, and rejected claims 1-18. Claims 1, 2, 8, 12-16 and 18 have been amended, new claim 19 has been added and, thus, in view of the forgoing claims 1-19 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action on page 2, the Examiner rejected claims 1-15 under 35 U.S.C. section 101 as directed to non-statutory subject matter. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 5 of the Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. § 102 as anticipated by Boardman.

Boardman discusses a system that prices events such as a telephone call for a subscriber to the telephone system. In this situation, two parties are involved, the company service provider and the user or subscriber (i.e., "supplier" and "customer" see Boardman at col. 2, lines 20-22).

In contrast, the present invention, in an embodiment, is directed to a system for an electronic marketplace. In an electronic marketplace at least three parties are involved; the buyer, the seller and the mediator mediating or conducting the exchange between the buyer and seller. In this situation the mediator needs to be paid for the service of bringing the buyer and seller together and making the sales transaction exchange. That is, the price of the servicing of the transaction needs to be performed. The present invention is directed to this situation, which is very different from the Boardman system. The present invention, see claim 1 as an example, particularly prices the "servicing" of the "exchange transaction" responsive to "an electronic entity event pricing plan". Boardman does not teach or suggest such.

It is submitted that the present claimed invention patentably distinguishes over Boardman and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 2 calls the event

for which servicing is being priced to be transferring to another site, such as a transfer from one electronic market place to another. Nothing in the prior art teaches or suggests such. It is submitted that the dependent claims are independently patentable over the prior art.

New claim 19 emphasizes the pricing of the servicing of the event something not taught or suggested by the prior art. Nothing in the prior art teaches or suggests such. It is submitted that the new claim, which is different and not narrower than prior filed claims distinguishes over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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